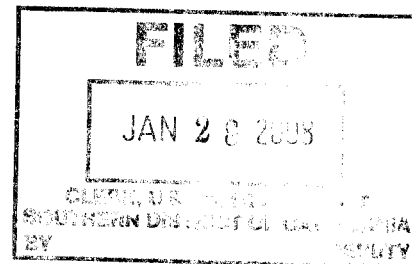


ORIGINAL



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FRANCISCO BURGOS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civ. No. 07-2271GT  
Cr. No. 06-2387GT

ORDER

On November 30, 2007, Petitioner, Francisco Burgos ("Mr. Burgos"), filed a Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255. Mr. Burgos argues that his supervised release should not have been revoked for several reasons. However, Mr. Burgos' supervised release has **not** been revoked in criminal case # 06-2387GT. Mr. Burgos must refile his Petition in the proper case. Accordingly,

**IT IS ORDERED** that Mr. Burgos' Petition is **DENIED** without prejudice.

1-25-08  
date

GORDON THOMPSON, JR.  
United States District Judge

cc: AUSA Bruce Castetter